

REMARKS

Applicants have now had an opportunity to carefully consider the Examiner's comments set forth in the Office Action of October 3, 2003 and Advisory Action of February 3, 2004.

All of the Examiner's objections and rejections are traversed.

Reexamination and reconsideration are respectfully requested.

Drawings

Formal drawings (Replacement sheets 1/4 through 4/4, Figures 1-9) incorporating the drawing correction filed on July 3, 2003 (approved by the Examiner) are attached hereto. An early indication of acceptability of the Formal Drawings is earnestly solicited.

The Office Action

Claims 1-6 and 8-23 remain in this application. Claim 7 is cancelled.

Claim 23 is objected to because of an informality.

Claims 1-3, 5-8, 11, 12, 15-17, 20, and 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. (U.S. Patent 5,135,891) in view of Koizumi et al. (U.S. Patent 5,698,892).

Claims 4, 9, 10, 13, 14, 18, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claims 1 and 8 above, and further in view of McColgin et al. (U.S. Patent 4,553,153).

Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claim 1 above, and further in view of Iizuka (U.S. Patent 5,172,206).

Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ikeno et al. in view of Koizumi et al. as applied to claim 1 above, and further in view of Park et al. (U.S. Patent 5,053,298).

Claim Objection Obviated

Regarding Claim 23, the Applicant has amended Claim 23 to correct an antecedent basis problem.

Claims 1-23 are Distinguished From the Cited Art, Ikeno et al.

Regarding independent claims 1, 8, and 17, the present application is distinguishable from the cited art, because Ikeno et al. does not teach or suggest the claimed smoothing methods/structure. As currently amended, the claimed invention is directed to “smoothing a top surface of the electro-optical device without removing any material from the inter-filter layer.” In addition, the present application states, “it is desirable to leave a smooth surface on the chip (surface) on which to apply the next filter coat (application, page 3, lines 11-13).” Moreover, the present application takes the further step of explaining the benefits of “smoothing” the surface of the chip. “Smoothing,” as defined in the specification (page 7, line 24 to page 8, lines 1-5), states that smoothing the surface of the chip helps to eliminate or prevent “sharp profiles of irregularities or other formed topographical structures present in one or more layers of the chip, so as to promote or enhance the transfer or flow of a fluid material, such as the filter material, across the surface of the chips.”

Applicant respectfully traverse the Examiner’s apparent interpretation that grinding and polishing is equivalent to the smoothing, as presently claimed in claims 1, 8 and 17. The present application uses the term “smoothing” to describe a leveling of the surface of the chip that requires no removal of material.

Conversely, Ikeno et al. discloses a method/structure that includes an intermediate transparent layer (Fig. 5C, #25) applied over other layers. The said intermediate transparent layer is subsequently etched. (Col. 5, lines 43-51) The etching process will involve some material removal unlike the claimed invention, which provides smoothing without removing any material from the inter-filter layer of the claimed invention.

CONCLUSION

For the reasons detailed above, it is respectfully submitted all claims remaining in the application (Claims 1-6 and 8-23) are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

No additional fee is believed to be required for this Amendment After Final. However, the undersigned attorney of record hereby authorizes the charging of any necessary fees, other than the issue fee, to Xerox Deposit Account No. 24-0037.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to call Mark S. Svat, at Telephone Number (216) 861-5582.

Respectfully submitted,

FAY, SHARPE, FAGAN,
MINNICH & McKEE, LLP

3/30/04
Date


Mark S. Svat
Reg. No. 34,261
1100 Superior Avenue, 7th Floor
Cleveland, Ohio 44114-2579
(216) 861-5582